

Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 44
Filed: January 19, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Institut National de la Recherche Agronomique,
Junior Party
(Application 10/613,053
Inventors : Jun Imamura, Hideya Fujimoto, Ritsuko Yanagidate,
Nobuya Koizuka, Takako Sakai and Takahiko Hayakawa),

v.

BASF Plant Science GMBH, McGill University, and
DNA Landmarks, Inc.,
Senior Party
(Patent 7,314,971
Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova,
Gregory G. Brown, Benoit S. Landry, Wing Cheung,
Hua Jin and Martin LaForest).

Patent Interference No. 105,682 (RES)
(Technology Center 1600)

Judgment - Request for Adverse

1 The involved patent and application have become commonly owned by
2 Agronomique. Paper 39. Agronomique has requested entry of adverse judgment against
3 Patent 7,314,971. Paper 43.

4 Accordingly, it is

5 ORDERED that judgment on priority as to the subject matter of Count 1 (Paper
6 30, pp. 3-4), is awarded against Patent 7,314,971;

7 FURTHER ORDERED that claims 1-18 of Patent 7,314,971 corresponding to
8 Count 1 are cancelled (35 U.S.C. § 135(a));

9 FURTHER ORDERED that a copy of this judgment be made of record in the
10 files of Patent 7,314,971 and Application 10/613,053; and

1 FURTHER ORDERED that if there is any settlement agreement or related
2 documents which have not been filed, attention is directed to 35 U.S.C. § 135(c) and
3 37 CFR § 41.205.

<u>/Richard E. Schafer/</u>)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
<u>/Jameson Lee/</u>)	BOARD OF PATENT
JAMESON LEE)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
<u>/Richard Torczon/</u>)	
RICHARD TORCZON)	
Administrative Patent Judge)	

cc (e-mail):

Counsel for Agronomique:

Kenneth J. Burchfiel, Esq.
William J. Simmons, Esq.
SUGHRUE MION, PLLC
2100 Pennsylvania Ave., NW, Suite 800
Washington, D.C. 20037-3202

Telephone: (202) 293-7060 (main)
Facsimile: (202) 293-7860

Counsel for BASF et al:

Robert G. McMorrow, Jr., Esq.
Patricia A. McDanials, Esq.
CONNOLLY BOVE LODGE
& HUTZ LLP
The Nemours Building
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899

Telephone: (302) 658-9141
Facsimile: (302) 658-5614